

REMARKS

The Official Action mailed November 5, 2003, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on March 29, 2001, and July 29, 2003.

Claims 1-9, 12-21 and 24-52 are pending in the present application prior to the above amendment, of which claims 1, 5, 9, 16, 21, 28, 39 and 46 are independent. Independent claims 1, 5, 9, 16, 21 and 28 have been amended to better recite the features of the present invention. Claims 6 and 7 have been amended to correct minor matters of form. Claims 39-45 have been withdrawn by the Examiner. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1-38 and 46-52 as obvious based on the combination of U.S. Patent No. 5,148,301 to Sawatsubashi et al., U.S. Patent No. 5,406,399 to Koike and U.S. Patent No. 6,480,254 to Fujita. The Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present invention, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365,

1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

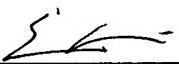
The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. In response, independent claims 1, 5, 9, 16, 21 and 28 have been amended to recite a positional relationship between a tapered portion and the adhesive layer. This feature is shown by Figs. 1B, 1C, 4C, 4D and 5C, for example. Sawatsubashi, Koike and Fujita do not teach or suggest at least the above-referenced feature of the present invention.

With respect to independent claim 46, it is noted that the Official Action has not provided any arguments to support a *prima facie* case of obviousness. Also, claim 46 recites patterned gap holding members between the first substrate and the second substrate. Sawatsubashi, Koike and Fujita do not teach or suggest at least the above-referenced feature of the present invention.

Since Sawatsubashi, Koike and Fujita do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

  
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